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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,702	08/24/1999	PETER ANTHONY HOCHSTEIN	65.016-046	5578

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EXAMINER

VU, BAO Q

ART UNIT PAPER NUMBER

2838

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/382,702	Applicant(s) HOCHSTEIN, PETER ANTHONY	
	Examiner Bao Q. Vu	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2002.
- 2a) ☐ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3,7-35,37,38 and 40-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,7-35,37,38 and 40-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Reissue Applications***

1. The reissue oath/declaration filed with this application is defective because the error which is relied upon to support the reissue application is not an error upon which a reissue can be based. See 37 CFR 1.175(a)(1) and MPEP § 1414. The court decision stated that these claims 5 and 6 were obvious in view of the prior art of Johnson '645 and Hildebrand '601 and the Power Supply Cookbook and the Motorola data sheet for the MC 34261 controller. It is therefore improper to assert this as an error.
2. Claims 3, 7-35, 37, 38, 40-45 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24-35, 37, 38, and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (USP 5,463,280) in view of Power Supply Cookbook and

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the Motorola data sheet for the MC 34261 controller in view of Applicant Prior Art (APA) and in view of Hildebrand (USP 5,075,601).

Johnson discloses the claimed invention (see figure 8) an AC input (102), a rectifier (108), a switching power supply (106) except for the use of electromagnetic interference filter for use in the art of power light emitting diodes (LED's), the use of series-parallel LED array and for their use in traffic, pedestrian or rail crossing signal housing.

The Power Supply Cookbook and the Motorola data sheet for the MC 34261 controller discloses that it is known in the art to use an electromagnetic interference filter for use with a switching power supply. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the power supply assembly as taught by Johnson and use an electromagnetic filter (EMI) with the switching power supply as taught by the Power Supply Cookbook and the Motorola data sheet for the MC 34261 controller since the Power Supply Cookbook teaches that the electromagnetic filter (EMI) is crucial or essential element in any power factor correction circuitry.

Applicant's Prior Art (APA) in view of Hildebrand discloses that it is known in the art to make use of series-parallel LED array in a switching power supply and for their use in traffic, pedestrian or rail crossing signal housing.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the LED array as taught by Johnson, The Power Supply Cookbook and the Motorola data sheet and use the series- parallel LED array

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string having different current paths, (clearly shown in applicant's prior art figure 1), and for their use in traffic, pedestrian or rail crossing signal housing, since APA teaches that use of these LED arrays provides a greater benefit than the less inefficient incandescent lamps and has the added feature of a more reliable operation of the LED array, this feature highly desirable for their use in traffic, pedestrian or rail crossing signals housing.

Johnson in view of Power Supply Cookbook and Motorola data sheet and in view of Applicant's Prior Art (APA) discloses the claimed invention except for the use of a conflict monitor circuit used to help control leakage currents by providing high impedance if such conditions exists.

Hildebrand discloses that it is known in the art to provide the use of an adaptive clamp circuit used to help control leakage currents by providing high impedance if such conditions exists. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the device of Johnson in view of Power Supply Cookbook and Motorola data sheet and provide an adaptive clamp circuit as taught by Hildebrand, in order to lessen the effects of current leakage inherent to LED circuitry and have a more dynamic response to this recurring problem.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Vu whose telephone number is (703) 308-2318. The examiner can normally be reached on Monday-Fridays, 8:00AM- 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (703) 308-1680. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Bao Q. Vu  
Primary Examiner  
Art Unit 2838

January 13, 2003